

BEFORE THE IOWA BOARD OF PHARMACY

RE: Pharmacist License of ANTHONY PAPE License No. 22557 Respondent	CASE NO. 2020-0044 COMBINED STATEMENT OF CHARGES, SETTLEMENT AGREEMENT, AND FINAL ORDER
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COME NOW the Iowa Board of Pharmacy ("Board") and Anthony Pape ("Respondent"), 17166 Chicory St, Dubuque IA 52001, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 147, 155A, and 272C, and 657 IAC chapter 36.

A. STATEMENT OF CHARGES

COUNT I

DIVERTING PRESCRIPTION DRUGS

1. Respondent is charged with diverting prescription drugs from a pharmacy for personal use, and may be disciplined pursuant to Iowa Code sections 147.55(9) and 155A.12(1), and 657 IAC 36.6(36).

COUNT II

PRACTICE HARMFUL OR DETRIMENTAL TO THE PUBLIC

2. Respondent is charged with knowingly making misleading, deceptive untrue or fraudulent representations in the practice of pharmacy or engaging in unethical conduct or practice harmful or detrimental to the public, and may be disciplined pursuant to Iowa Code sections 147.55(3) and 155A.12(3), and 657 IAC 36.6(3).

B. FACTUAL CIRCUMSTANCES

3. Respondent's pharmacist license number 22557 is currently active through June 30, 2021.
4. Respondent diverted controlled substances, primarily stimulants, from two pharmacies where he worked for personal use.
5. Respondent emptied the medication out of capsules and returned the capsules to the stock bottle, which resulted in patients receiving empty capsules and experiencing adverse outcomes.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

6. The Board has jurisdiction over the parties and the subject matter of these proceedings.

7. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

8. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

9. Respondent acknowledges that he has the right to be represented by counsel on this matter.

10. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

11. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

12. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

13. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

14. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

15. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

16. Respondent's license is **INDEFINITELY SUSPENDED** until Respondent submits documentation demonstrating all of the following:

- a. Completion of a comprehensive substance abuse evaluation with a licensed provider who specializes in addiction;

- b. Completion of all substance abuse treatment recommended by the evaluator;
- c. The name(s) of a proposed worksite monitor for all intended practice locations; the worksite monitor shall be an individual who works on-site with Respondent at each practice location; and
- d. A minimum of six (6) months has elapsed from the date of Board approval of this Order.

17. While suspended, Respondent shall not practice pharmacy or engage in any conduct that requires a license to practice pharmacy in the State of Iowa. After the Board or the Board's designee has determined that Respondent has satisfactorily completed all of the requirements set forth in paragraph 16, Respondent's pharmacist license shall be placed on **PROBATION** for a period of five (5) years with the following conditions:

- a. Respondent must abstain completely from the use of alcohol and drugs, except for prescription drugs prescribed by a licensed healthcare provider taken as prescribed. Respondent must submit valid prescriptions to the Board for purposes of chemical screening.
- b. Respondent must participate in the Board's chemical screening program. Respondent must fully comply with the Board's chemical screening program, which includes daily contact with the chemical screening program to determine whether a specimen is required. Respondent must provide urine, blood, breath, or hair specimens when required by the chemical screening program. Respondent is responsible for all costs associated with the chemical screening program.
- c. Respondent must notify any current or potential future employers of this Order.
- d. Respondent cannot serve as a pharmacist-in charge or a preceptor.
- e. Respondent cannot enter or work alone in a pharmacy.
- f. Respondent may perform all functions related to the dispensing of prescription stimulants, but is prohibited from counting, pouring, measuring, inventorying, stocking, accessing stock, and receiving orders for prescription stimulants.
- g. Respondent must comply with all continuing care recommendations made by the evaluator. Respondent's continuing care providers must submit quarterly reports to the Board for as long as continuing care is recommended.

- h. Respondent's worksite monitor must submit quarterly reports to the Board describing Respondent's attendance and behavior at work, including any areas of concern.
- i. Respondent must submit quarterly reports to the Board describing his practice and compliance with this Order. In addition, Respondent must provide written notification to the Board of any change in contact information or employment within ten (10) days of such a change.
- j. Respondent must appear before the Board upon request for the purpose of evaluating his performance during the probationary period. Respondent will be given reasonable notice of the date, time, and place for such appearances.
- k. Respondent shall obey all federal and state statutes and regulations governing the practice of pharmacy.
- l. Respondent is responsible for ensuring all required quarterly reports are submitted to the Board in a timely manner. The quarterly reports are due by March 5th (reporting on December-February), June 5th (reporting on March-May), September 5th (reporting on June-August), and December 5th (reporting on September-November).
- m. Any documentation required to be submitted to the Board pursuant to this Order should be emailed to amanda.woltz@iowa.gov.

18. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC chapter 36.

5-19-20
Date

Anthony Pape
ANTHONY PAPE
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the
Iowa Board of Pharmacy on June 23, 2020.



Chairperson
Iowa Board of Pharmacy